

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/827,045		04/19/2004	Trudy L. Benjamin	200311485-1	2390	
22879	7590	09/25/2006		EXAMINER		
		ARD COMPANY	MARTIN, LAURA E			
		04 E. HARMONY RO OPERTY ADMINIS		ART UNIT PAPER NUMBER 2853		
FORT COL	LINS, CO	80527-2400				

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

				59							
		Application No.	Applicant(s)								
		10/827,045	BENJAMIN ET AL.								
	Office Action Summary	Examin r	Art Unit	<del></del>							
		Laura E. Martin	2853								
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address										
A SHC WHICH - Extens after S - If NO p - Failure Any re	PRTENED STATUTORY PERIOD FOR HEVER IS LONGER, FROM THE MAI ions of time may be available under the provisions of IX (6) MONTHS from the mailing date of this communitariot for reply is specified above, the maximum statut to reply within the set or extended period for reply will ply received by the Office later than three months after a patent term adjustment. See 37 CFR 1.704(b).	LING DATE OF THIS COMMUN 37 CFR 1.136(a). In no event, however, may a ication. ory period will apply and will expire SIX (6) MO I, by statute, cause the application to become A	ICATION.  reply be timely filed  NTHS from the mailing date of this communicat ABANDONED (35 U.S.C. § 133).								
Status											
1)⊠ I	Responsive to communication(s) filed	on 31 July 2006.									
•	-	This action is non-final.									
,	Since this application is in condition for closed in accordance with the practice	·		is							
Dispositio	on of Claims										
5)	Claim(s) 1-44 is/are pending in the app a) Of the above claim(s) is/are Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-44 are subject to restriction	withdrawn from consideration.									
Application	on Papers										
•	he specification is objected to by the E										
	he drawing(s) filed on is/are: a										
	Applicant may not request that any objection	<u> </u>	• •	47.0							
	Replacement drawing sheet(s) including the hard to be a declaration is objected to be	•	•	' '							
Priority u	nder 35 U.S.C. § 119										
a)[	cknowledgment is made of a claim for All b) Some * c) None of:  1. Certified copies of the priority do  2. Certified copies of the priority do  3. Copies of the certified copies of application from the International ce the attached detailed Office action for the certified copies of the certified copies of application from the International ce the attached detailed Office action for the certified copies of the certified copies of application from the International ce the attached detailed Office action for the certified copies of application from the linear certified copies of the certified copies of application from the linear certified copies of the certified copies of the certified copies of application from the linear certified copies of the certified copies of	ocuments have been received. Ocuments have been received in the priority documents have been the priority documents have been the large of the large	Application No n received in this National Stage								
Attachment(	s) of References Cited (PTO-892)	4\ □ Interview	Summary (PTO-413)								
2) Notice 3) Inform	of Draftsperson's Patent Drawing Review (PTC ation Disclosure Statement(s) (PTO/SB/08) No(s)/Mail Date	)-948) Paper No	r(s)/Mail Date Informal Patent Application								

## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species:

Species I (claims 1-18): comprising a fire line, a drive switch, a first transistor, a second transistor, and a third transistor;

Species II (claims 19-23): comprising a first transistor, a second transistor, and a third transistor;

Species III (claims 24-27): comprising a substrate, a first gate, a second gate, and a third gate;

Species IV (claims 28-32): comprising a first transistor, a second transistor, a third transistor, and a fourth transistor;

Species V (claims 33-35): comprising a substrate, a first gate, a second gate, and a third gate, wherein a second active region is coupled to a third active region;

Species VI (claims 36 and 37): a first transistor and a second transistor;

Species VII (claims 28-44): receiving energy pulses, controlling a drive switch, ejecting fluid.

The species are independent or distinct because each species discloses a different set of requirements that each require a separate search.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Application/Control Number: 10/827,045 Page 4

Art Unit: 2853

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/827,045 Page 5

Art Unit: 2853

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin

MANISH S. SHAH